

SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD DECEMBER 15, 2008 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

1 – Roll Call: Present: Mayor Schuster, Councilmembers Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale
Absent: Councilmember Lytle

Mayor Schuster announced that a copy of the Open Meetings Act is posted in the meeting room and is accessible to members of the public.

Wymore Volunteer Fire Chief Gordon Michaelis presented plaques to the Beatrice Fire Department, the Beatrice Police Department and Dispatch, and the Beatrice Rural Fire department in sincere appreciation for their immediate and professional response to the tragedy on November 5, 2007, house fire which claimed the life of Jeremy and for their sincerely and compassionate actions during and after the tragedy.

3 - Hearing:

- a. Board of Equalization for the purpose of levying special assessments in Paving District #484 (Hayes Street). Resolution and Ordinance submitted.**

Mayor Schuster opened the public hearing for the purpose of levying special assessments in Paving District #484 at 7:07 p.m.

Mayor Schuster asked if anyone in the audience wished to speak relative to the assessments in Paving District #484. No one appeared at this time.

Moved by Fairbanks, seconded by Fetty to continue with other agenda items until 8:07 p.m.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

2 – Consent Agenda

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting.
- c. Receive and place on file all materials having any bearing on this meeting.
- d. Approval of minutes of December 1, 2008 as on file in the City Clerk's office.
- e. Approval of minutes of special meeting December 11, 2008 as on file in the City Clerk's office.
- f. Approval of Treasurer's Report of Claims in the amount of \$688,564.55.
- g. Approval of BASWA Report of Claims in the amount of \$35,217.17.
- h. Refer Wilcox Claim for Relief under the Political Subdivisions Tort Claims Act to the City Attorney and the City's Insurance Carrier.
- i. Resolution Number 5073 approving agreement with Kiwanis Club regarding donation towards repairs to the City Auditorium dressing rooms and no rental fee for one week each year for the next eight years.
- j. Approval of bid for a 2009 Crown Victoria patrol car to Beatrice Ford in the amount of \$23,437.

Moved by Fairbanks, seconded by Fetty, that the items listed under the consent agenda with the exception of item j, be approved, accepted and/or ratified as presented.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

Moved by Fairbanks, seconded by Fetty that the bid for a 2009 Crown Victoria patrol car to Beatrice Ford in the amount of \$23,437 be approved.

Councilmember Fairbanks asked if the cost of the switchover was included in the bid. Chief Lang stated that the cost of the switchover would be identical no matter which vendor got the bid.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

- b. Application for rezoning the following properties from “RC” Residential-Commercial to “GC” General Commercial: Lot 10, Block 20 (600 Milliken); Lots 11-13, Block 20 (604 Milliken); West 6’ of Lot 6 and Lots 7-9, Block 20 (605 Nicholls); East 44’ of Lot 6, Lot 5, Block 20 (615 Nicholls); Lots 11-13, Block 19 (620 Nicholls); Lots 7-10, Block 19 (701 Green); all in Riverside Park Addition. Ordinance submitted.**

Mayor Schuster announced that a public hearing be held for purpose of rezoning the following properties from “RC” Residential-Commercial to “GC” General Commercial: Lot 10, Block 20 (600 Milliken); Lots 11-13, Block 20 (604 Milliken); West 6’ of Lot 6 and Lots 7-9, Block 20 (605 Nicholls); East 44’ of Lot 6, Lot 5, Block 20 (615 Nicholls); Lots 11-13, Block 19 (620 Nicholls); Lots 7-10, Block 19 (701 Green); all in Riverside Park Addition.

Planning and Zoning Chairperson, Stan Wirth, reported that the commission had unanimously approved the rezoning which is a continuation of the changes being done as per the comprehensive plan. Only one couple appeared at their meeting to ask questions.

Moved by Fairbanks, seconded by Schmale, that the public hearing be closed at 7:17 p.m.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

Mayor Schuster introduced an ordinance rezoning the following properties from “RC” Residential-Commercial to “GC” General Commercial: Lot 10, Block 20 (600 Milliken); Lots 11-13, Block 20 (604 Milliken); West 6’ of Lot 6 and Lots 7-9, Block 20 (605 Nicholls); East 44’ of Lot 6, Lot 5, Block 20 (615 Nicholls); Lots 11-13, Block 19 (620 Nicholls); Lots 7-10, Block 19 (701 Green); all in Riverside Park Addition.

Moved by Fairbanks, seconded by Carey that said ordinance be given Number 08-40, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

Mayor Schuster read Ordinance Number 08-40 by number only the first, second and third time.

Moved by Fairbanks, seconded by Parde that Ordinance Number 08-40 be passed and approved.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

Ordinance Number 08-40 has been passed and approved.

4– Resolutions:

- a. Approving Union Contract with Firefighters Local 1098.**

Mayor Schuster introduced Resolution Number 5071 approving Union Contract with Firefighters Local 1098.

Moved by Fairbanks, seconded by Schmale, that Resolution Number 5071 be passed and adopted.

City Administrator Neal Niedfeldt summarized the 3-year contract which provides for salary increases of 4% the first year and 3% for the next two years. Benefit changes include adding a Long-Term Disability plan and reducing the maximum sick leave accumulation, improving the life insurance and adjustments to holidays and vacations in accordance with other contracts. Movement along the salary schedule was changed to performance based increases requiring certain criteria to be met. Firefighter Union President Corey Lieneman was present to answer any questions and thanked the administration for a good working relationship during negotiations. Councilmember Fairbanks again stated his opposition to the salary increases during the current economic climate.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

5– Ordinances:

a. Approving salaries for certain city employees covered by the Firefighters Union Contract.

Mayor Schuster introduced an ordinance establishing salaries for certain City employees covered by the Firefighters union contract.

Moved by Fairbanks, seconded by Fetty, that said ordinance be given Number 08-36, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

Mayor Schuster explained that the ordinance enacts into law what was just approved in the contract retroactive to October 1, 2008.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

Mayor Schuster read Ordinance Number 08-36 by number only the first, second and third time.

Moved by Fairbanks, seconded by Carey, that Ordinance Number 08-36 be passed and approved.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

Ordinance Number 08-36 has been passed and approved.

b. Second reading of Ordinance 08-35 for the proposed annexation of a tract of land located in the SE1/4 of Section 16-T4N-R6E, west of Highway 77 north of City limits.

Mayor Schuster announced that Ordinance 08-35 annexing a tract of land located in the SE ¼ of Section 16-T4N-R6E, known as the Oregon Trail property, be considered for the second reading.

Moved by Fairbanks, seconded by Fetty, that Ordinance Number 08-35 be read by title the second time tonight.

Mark Buhr, representing Oregon Trail Equipment, appeared in opposition to the annexation and provided the Council with a map showing area John Deere dealerships. His concern is that the addition of the city sales tax would cause current customers at the half-way point to take their business elsewhere. A lengthy discussion followed citing that this was a concern of all retailers when the city sales tax was enacted several years ago, but that good customer service and location could still keep them in the market. Rex Behrends, City Engineer, explained that a portion of the city sales tax is

used for street maintenance, which everyone drives on. Planning & Zoning Chairperson, Stan Wirth, reported that the consensus was that this property was ripe for annexation whether now or later due to the growth to the north.

Roll Call: Yea: Fairbanks, Fetty, Moore, Schmale, Mayor Schuster
Nay: Carey, Catlin, Parde

Motion carried.

Mayor Schuster read Ordinance Number 08-35 by title the second time.

3-a. Return to hearing on levying special assessments in Paving District #484.

Mayor Schuster again asked if there was anyone in the audience that wishes to speak relative to the assessments in Paving District #484. No one appeared.

Moved by Fairbanks, seconded by Moore, that the public hearing be closed at 8:12 p.m.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

Moved by Fairbanks, seconded by Fetty, that the Affidavit of Mailing Notices on Assessments in Paving District Number 484 be received and placed on file.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

Mayor Schuster introduced Resolution Number 5072 equalizing assessments in Paving District Number 484.

Moved by Fairbanks, seconded by Fetty, that Resolution Number 5072 be passed and adopted.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

Mayor Schuster introduced an ordinance equalizing and fixing benefits to and levying the necessary special assessments in Paving District Number 484.

Moved by Fairbanks, seconded by Fetty, that said ordinance be given Number 08-39, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

Mayor Schuster read Ordinance Number 08-39 by number only the first, second and third time.

Moved by Fairbanks, seconded by Carey, that Ordinance Number 08-39 be passed and approved.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
Nay: None.

Motion carried.

Ordinance Number 08-39 has been passed and approved.

c. Amending Section 217 and 604 of the Subdivision Ordinance regarding storm water management.

Mayor Schuster introduced an ordinance amending Section 217 and 604 of the Subdivision Ordinance regarding storm water management.

Moved by Fairbanks, seconded by Schmale, that said ordinance be given Number 08-41, the title thereof be approved and the rules be suspended and said ordinance be read by number only two times tonight.

City Engineer, Rex Behrends, explained that this ordinance and the following ordinance for the City Code, would provide for storm water management plans with regard to new developments so that the site would retain the difference between historic and the newly developed outflows of water to downstream properties.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
 Nay: None.

Motion carried.

Mayor Schuster read Ordinance Number 08-41 by number only the first and second time.

d. Amending the City Code to add new Section 7-13 regarding storm water management.

Mayor Schuster introduced an ordinance amending the City Code to add new Section 7-13 regarding storm water management.

Moved by Fairbanks, seconded by Carey, that said ordinance be given Number 08-42, the title thereof be approved and the rules be suspended and said ordinance be read by number only two times tonight.

This ordinance applies the storm water management to the City code making it a part of the building permit process.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale.
 Nay: None.

Motion carried.

Mayor Schuster read Ordinance Number 08-42 by number only the first and second time.

6– Public Forum: No one appeared.

Councilmember Lytle arrived at 8:37 p.m.

7- Discussions/Reports:

a. Report from JEO Consulting regarding electric rate study.

John Krajewski with JEO Consulting Group, along with Board of Public Works members Don Vetrovsky and Bob Moran and Electric Superintendent, Pat Feist, presented the results of a Cost of Service Electric Rate Design Study. When NPPD announced a 7% wholesale rate increase the Board contracted with JEO to do the rate study to look at how we can best serve the citizens reasonably and nondiscriminatory while building a sufficient reserve to cover operating expenses and be prepared for any major disaster. Past practices were conservative and applied the same percentage increase to all. The study recommends varying changes to different customer classes providing for an average increase of 6.5%. An ordinance to implement the rate increases will be brought for consideration in January, 2009.

b. Report on bond financing plans for the BPW Water and WPC funds.

City Administrator Niedfeldt reporting on the bond financing plans for the BPW Water and WPC funds that were planned to provide for construction projects in the FY09 budget and 2010. In October bond market rates increased, so it was decided to wait. An economic stimulus package early in 2009 may push funds down to the local level and NDEQ may have revolving loans available at possibly 2.5%, so it will be to our benefit to wait before going to the bond market.

c. Report on Steering Committee list for Big Blue Riverfront Development Project.

Steering committee members, Phil and Susan Cook, provided a list of the steering committee members that have agreed to and are excited to work on the Big Blue Riverfront Development Project. The next step will be to figure out the directions for each subcommittee. They have been contacted by High School students asking to be a part of the project. They will report back to the Council as things develop.

8- Miscellaneous:

Moved by Fairbanks, seconded by Carey, to meet in Executive Session at 9:35 p.m. on personnel matters to update the Council on FOP negotiations.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale, Lytle.
Nay: None.

Motion carried.

Reconvened at 10:13 p.m.

Moved by Fairbanks, seconded by Schmale, that the meeting be adjourned at 10: 13 p.m.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Moore, Parde, Schmale, Lytle.
Nay: None.

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster